

**ATTORNEY DOCKET NO.**  
**99RSS196**

**PATENT**  
**Customer ID No. 33649**

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Original) A communications system configured for network latency recovery, comprising:

an internet protocol network;

a calling modem coupled to the internet protocol network, the calling modem including a timer, the timer being operable to store a network latency value, the calling modem being operable to compare the network latency value to a network latency threshold, to transmit a low speed modem connection selection signal if the network latency value is greater than the network latency threshold, and to transmit a high speed modem connection selection signal if the network latency value is less than the network latency threshold, and

an answering modem coupled to the internet protocol network, the answering modem being operable to receive the low speed modem connection signal and the high speed modem connection signal.

2. (Original) The communications system of claim 1, further comprising:

a calling facsimile terminal coupled to the calling modem; and

an answering facsimile terminal coupled to the answering modem.

3. (Previously presented) The communications system of claim 1, wherein a T.38 calling gateway includes the calling modem and an T.38 answering gateway includes the answering modem.

4. (Original) The communications system of claim 1, wherein the high speed modem connection comprises a V.8 modem connection.

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5. (Original) The communications system of claim 1, wherein the low speed modem connection comprises a Group 3 connection.

6. (Original) The communications system of claim 1, wherein the high speed modem connection comprises a V.34 half-duplex connection.

7. (Original) A calling modem configured for network latency recovery comprising:

a timer to store a network latency value;

a comparison block to compare the network latency value and a network latency threshold; and

a modem connection selection block to transmit a low speed modem connection selection signal if the network latency value is less than the network latency threshold and to transmit a high speed modem connection signal if the network latency value is greater than the network latency threshold.

8. (Original) The calling modem of claim 7, wherein the high speed modem connection comprises a V.8 modem connection.

9. (Original) The calling modem of claim 7, wherein the low speed modem connection comprises a Group 3 connection.

10. (Original) The calling modem of claim 7, wherein the high speed modem connection comprises a V.34 half-duplex connection.

11. (Original) A method of handling network latency, comprising the steps of:  
storing a network latency value;  
comparing the network latency value to a network latency threshold;  
transmitting a low speed modem connection signal if the network latency value is less than the network latency threshold; and

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transmitting a high speed modem connection selection signal if the network latency value is less than the network latency threshold.

12. (Original) The method of claim 11, wherein the high speed modem connection selection signal selects a V.8 modem connection.

13. (Original) The method of claim 11, wherein the low speed modem connection selection signal selects a Group 3 connection.

14. (Original) The method of claim 11, wherein the high speed modem connection selection signal selects a V.34 half-duplex connection.

15. (Currently amended) A method of handling network latency, comprising the steps of:

operating a high speed modem;

~~measuring network latency;~~

comparing ~~[[the]]~~ a network latency to a network latency threshold;

continuing operation of the high speed modem ~~connection~~ if the network latency is less than the network latency threshold; and

terminating the high speed modem ~~connection~~ if the network latency is greater than the network latency threshold.

16. (Original) The method of claim 15, further comprising the step of:  
establishing a low speed modem connection if the network latency is greater than the network latency threshold.

17. (Original) The method of claim 16, further comprising the step of:  
providing a low speed modem selection signal if the network latency is greater than the network latency threshold to indicate to perform the establishing a low speed modem connection step.

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18. (Original) The method of claim 16, wherein the low speed modem connection comprises a Group 3 connection.

19. (Currently amended) The method of claim 15, wherein the high speed modem ~~connection~~ comprises a V.8 modem connection.

20. (Original) The method of claim 15, further comprising the step of:  
providing a high speed modem selection signal to indicate to perform the continuing operation step if the network latency is less than the network latency threshold.

21. (Currently amended) The method of claim 15, wherein the high speed modem ~~connection~~ comprises a V.34 half-duplex connection.